IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 363 of 2005

Between:

Mohd. Faizuddin S/o Md. John,
Miryalaguda, Nalgonda District

..... PETITIONER

AND

1 V. Sridhar S/o Venkaiah
District Head Quarters Hospital, Nalgonda
2 The Commissioner of Andhra Pradesh, Vaidya Vidhana Parishad, Andhra Pradesh Hyderabad
3 The District Coordinator of Hospital Services, Nalgonda
4 The Principal Secretary to Government Health, Medical and family Welfare Department, State of Andhra Pradesh, Secretariat, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particulalry one in the nature of writ of Mandmaus to set aside the interim orders in OA. No. 6935 of 2004 dt 29-12-2004 passed by the A.P. Administrative Tribunal.

Counsel for the Petitioner:MR.K.R.SRINIVAS

Counsel for respondent No.1: Mr.J.R. Manoher Rao

Counsel for the Respondent Nos.2 to 4: GP FOR SERVICES I

The Court made the following :

O R D E R: (PER GB.J)

1) This writ petition is filed challenging the interim orders passed in O.A.No.6935 of 2004, dated 29.12.2004, on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad and to set aside the same.

2) Initially, the petitioner made a representation, dated 02.06.2004 before the respondent authorities, seeking to transfer him in the existing vacancy at Miryalaguda, Nalgonda District and by order, dated 21.11.2004, the respondent authorities transferred the petitioner to Area Hospital, Miryalaguda. Aggrieved by the transfer order, dated 21.11.2004, the 1st respondent filed O.A.No.6935 of 2004 before the Tribunal. Pending O.A.No.6935 of 2004, the Tribunal passed interim orders, dated 29.11.2004, suspending the order, dated 21.11.2004 of the respondent authorities. Aggrieved by the same, this writ petition is filed.

3) The learned counsel for the petitioner submits that the petitioner was transferred on a request made by him before the respondent authorities on the ground that his wife is an employee in Nalgonda District and such a transfer order cannot be stayed by the Tribunal in the public interest.

4) On the other hand, the learned counsel for the un-official respondent submits that

the very transfer order, dated 21.11.2004 is contrary to the presidential order and even under clause-5(2) of the Presidential Order, the Government is an appropriate authority to pass orders and in the instant case, the Commissioner of Andhra Pradesh Vaidya Vidhana Parishad, Hyderabad has to pass an order. Therefore, the order, dated 21.11.2004 is not sustainable.

5) We are not inclined to hear the matter on merits. It is now admitted before the Court that the petitioner has joined the post at Miryalaguda, Nalgonda District on 22.11.2004 and the order of suspension would send his colleague back.

6) Under those circumstances, we find that the matter requires final adjudication.

7) The writ petition is accordingly disposed of directing the Tribunal to dispose of O.A.No.6935 of 2004 within a period of six weeks from the date of receipt of a copy of this order. Pending disposal of O.A.6935 of 2004, status quo obtaining as on 29.11.2004 shall be maintained. No costs.

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G.BIKSHAPATHY.J.,

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B.SESHASAYANA REDDY.J.,

DT.24.01.2005

tjs

To

1 The Commissioner of Andhra Pradesh, Vidya Vidhana Parishad, Andhra Pradesh Hyderabad
2 The District Coordinator of Hospital Services, Nalgonda
3 The Principal Secretary to Government Health, Medial and family Welfare Department, State of Andhra Pradesh, Secretariat, Hyderabad

4 2CCs to the G.P. for Services-1, High Court of A.P., Hyderabad.

5 2CD copies.